

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

AARON WILSON GARNER, *et al*,

Plaintiffs,

VS.

BP AMOCO CHEMICAL COMPANY, *et al*,

Defendants.

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CIVIL ACTION NO. G-07-221

**ORDER ON REQUEST
FOR SCHEDULING ORDER**

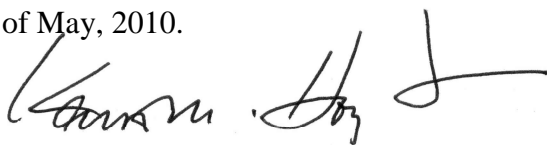
Before the Court are the Certain Plaintiffs' motion for severance and request for a scheduling order [Doc. No. 327], the defendant's motion to stay and administratively close all trial proceedings [Doc. No. 338] and the several response(s), surresponse(s) and replies. The Court has received the papers on file and recalls the representations of the parties in choosing to proceed to trial in phases and determines that the plaintiffs' motion for severance should be denied without prejudice, the plaintiffs' motion for a scheduling order should be granted and the defendant's motion to stay and administratively close trial court proceedings should be denied.

Previously, the Court consolidated the claims of that alleged chemical release on March 19, April 10, April 16 and April 19, 2007, for purposes of discovery and promote efficiency. It was the agreement of the parties to proceed through discovery on a claim consolidation basis, it was also the agreement of the parties and the directive of the Court that the over 150 cases should not be tried together. Hence, the trial in December of 2009.

It is in the interest of justice to resolve this dispute between the parties as promptly as meaningful possible. Therefore, the Court determines to proceed with additional trials as contemplated by the parties.

It is therefore ORDERED that this case is set for trial August 16, 2010, with a jury selection to commence at 1:30 p.m. The plaintiff shall prepare a trial notebook for the jury that includes a page that introduces each plaintiff [name and photo]. Space should also be provided for note taking.

SIGNED at Houston, Texas this 12th day of May, 2010.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt
United States District Judge